HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, CJ

WRIT PETITION NO. 3425 OF 2006

PETITIONER Hari Shankar Gupta, Aged about 40 years, S/o Dashrath Gupta, R/o Village Basna, Tahsil Basna, District Mahasamund (C.G.)

VERSUS

RESPONDENTS

1. State of Chhattisgarh, Through : Collector, Mahasamund (C.G.)
2. Tahsildar, Basna, District Mahasamund (CG)
3. Trilochan Singh Age – Unknown years, S/o Late Malik Sing
4. Rajendra Sing Age – Unknown, S/o Late Malik Sing
5. Smt. Trilochan Sing Kaur Age – Unknown, Wd/o Late Bhagat Sing
   Respondents No. 3 to 5 through : Power of Attorney holder – Tajpal Singh S/o Bhagat Singh R/o village Basna, Tahsil Basna, District Mahasamund (CG)
6. Tejpal Sing Age – Unknown, S/o Late Bhagat Sing, R/o Basna, Tahsil Basna, District Mahasamund (CG)
7. Sampat Agrawal Age- Unknown, S/o Jagdish Agrawal
8. Tilakraj Badhwa Age – Unknown, S/o Haweliram Badhwa
9. Manjit Singh Age – Unknown, S/o Darshan Singh Saluja
10. Ishtyak Khairani Age – Unkown, S/o Khuddush Khairani
11. Ramdev Agrawal Age – Unkownm S/o Surajbhan Agrawal
12. Dinesh Agrawal Age- Age – Unkown, S/o Amarchand Agrawal
13. Ranjeet Singh Age – Unkown, S/o Indrajit Singh Saluja
    Respondents No. 7 to 13 is R/o Village Basna, Tahsil Basna, District Mahasamund (C.G.)

Present: Shri Vaibhav Goverdhan, learned counsel for the petitioner.
Shri Yashwant Singh, learned Govt. Advocate for the State.

ORAL ORDER
(Passed on 18TH July, 2006)

Admittedly, the petitioner has been in unauthorized occupation of the subject land. In this writ petition, he is seeking a direction to the respondents to stop construction on the subject land. Such a prayer is made on the ground that the petitioner has made an application to the Collector, Mahasamund for grant of patta with regard to the subject land and since that application is pending consideration, the petitioner is entitled to the direction sought in para 7.1 of the writ petition. Merely, because, the petitioner has made an application to the Collector, Mahasamund district for grant of patta with regard to the land comprised in Khasra No. 136/1, that fact itself would not vest any enforceable legal right in the petitioner over the subject land. The writ petition is misconceived and it is accordingly dismissed. No costs.

Sd/-
Chief Justice

Kamble